

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:

Mark Rapaich

Title:

MULTIPLE AUDIO DACs WITH PC COMPATIBILITY

Attorney Docket No.: 450.183US1

PATENT APPLICATION TRANSMITTAL

BOX PATENT APPLICATION

Assistant Commissioner for Patents Washington, D.C. 20231

We are transmitting herewith the following attached items and information (as indicated with an "X"):

- X Utility Patent Application under 37 CFR § 1.53(b) comprising:
 - X Specification (14 pgs, including claims numbered 1 through 13 and a 1 page Abstract).
 - X Formal Drawing(s) (<u>3</u> sheets).
 - X Signed Combined Declaration and Power of Attorney (<u>3 pgs</u>).
- X Assignment of the invention to <u>Gateway 2000</u>, Inc. (2 pgs) and Recordation Form Cover Sheet.
- X Return postcard.

T

The filing fee will be calculated as follows:

	No. Filed	No. Extra	Rate	Fee
TOTAL CLAIMS	13 - 20 =	0	x 22 =	\$0.00
INDEPENDENT CLAIMS	6 - 3 =	3	x 82 =	\$246.00
[] MULTIPLE DEPENDENT CLAIMS PRE	ESENTED			\$0.00
BASIC FEE				\$790.00
	TOTAL			\$1,036.00

PLEASE CHARGE THE FILING FEE OF \$1036.00 AND THE ASSIGNMENT RECORDATION FEE OF \$40.00 TO DEPOSIT ACCOUNT 50-0439.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

Atty: Bradley A. Forrest

Reg. No. 30,837

Customer Number 21186

"Express Mail" mailing label number: <u>EL106841267U</u>	Date of Deposit: November 5, 1998
Express wan maning laber number. <u>Introde412076</u>	th the United States Postal Service "Express Mail Post Office to Addressee" service under 37
I hereby certify that this paper of fee is being deposited wi	in the United States Fusial Service Express Main 1986 Office to Analysis of the Wilder
CFR 1.10 on the date indicated above and is addressed to	the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.
	Signature: Chris Acun mand
By: Chris Hammond	Signature: 1000 ACM PROPERTY

10

Multiple Audio DACs with PC Compatibility

Field of the Invention

The present invention relates to digital audio in computer systems, and in particular to handling multiple digital-to-analog converters concurrently in the same personal computer system.

Background

Personal computers have long incorporated the ability to produce sound by means of an audio device that converts digital signals controlled by the computer to analog audio waveforms. These analog signals may then be played through a speaker internal to the computer, or amplified and played through external speakers. The device that converts digital signals to analog audio output most often takes the form of an add-in adapter card, that contains both circuitry to interface the board to the computer system bus and circuitry to convert digital signals received from the computer to an analog audio waveform and amplify it.

Inclusion of Compact Disc players within computers later led to audio adapter cards that included the ability to route analog signals. When playing conventional audio CDS, the analog signal provided by the CD player within the computer is routed to the audio adapter in analog form, where it is routed to an amplifier at the control of the computer and played through the attached speakers. Alternatively, the compact disc

20

10

player can provide a digital signal to the audio adapter, which then converts it to analog audio by means of a digital-to-analog converter before amplification. Most audio adapters currently available have the capability to play either a single digital audio signal provided over the computer bus or analog information provided by the internal compact disc player, but not both digital and analog information or digital information from two different sources.

The steady growth in multimedia capability of computers has brought about the ability to play CD audio, audio to accompany motion video or games, telephone or other communication audio, and system audio information such as traditional beeps. However, current products do not allow selection of more than one source for conversion to analog audio at the same time because a single digital-to-analog converter is present on an adapter for each channel of a stereo system. No provision is made for a configurable means of prioritizing audio sources for playing through the audio adapter.

This lack of ability to handle more than one audio signal at the same time in a configurable manner causes significant problems in computer systems incorporating several audio sources. Relatively unimportant system beeps may interrupt a movie being viewed by means of a DVD player, while important telecommunications audio such as notice of a phone call or fax may not be played at all. There is a need for a computer system to handle more than one audio source at the same time, in a manner that the user can configure based on his predetermined priorities.

20

10

Summary of the Invention

Multiple audio digital-to-analog converters (DACs) are provided to convert multiple digital audio streams to analog audio signals concurrently. Also provided is the ability for the user to configure the audio adapter such that certain audio sources are routed to each converter, and routed with a given priority.

In one embodiment, the adapter contains multiple DACs, such that a different digital audio stream may be routed to each DAC. In a further embodiment, the user may configure which digital audio streams are to be routed to which DAC, and with what priority the streams are routed. The audio adapter may also route an analog signal not provided by the DAC to an output, such as may be provided by a CD player, according to a user configuration of the routing portion of a controller.

In another embodiment, the audio adapter contains both a high-quality DAC and a standard-quality coder-decoder (CODEC). The CODEC has both the function of a standard-quality DAC and a standard-quality analog-to-digital converter (ADC). The high quality DAC is a more expensive converter than the CODEC, and is capable of producing higher quality output from high quality digital input signals. The audio adapter may route analog signals, such as from a CD player, from a microphone, or from another source such as the high-quality DAC to the output as well as to the CODEC. Analog signals so routed to the CODEC may be digitized by the CODEC and processed or combined with other digital audio signals the adapter routes to the CODEC.

20

Description of the Figures

Figure 1 is a block diagram of a typical computer system in accordance with the present invention.

Figure 2 is a block diagram of the present invention that incorporates multiple audio DACs and the ability to route digital or analog streams to an output or outputs.

Figure 3 is a block diagram of the present invention that incorporates a high-quality DAC and a low-quality CODEC, and a configurable means of routing digital and analog signals to the appropriate converter and appropriate output.

10

15

5

Detailed Description

In the following description, reference is made to the accompanying drawings, which form a part of this description and show by way of illustration specific embodiments in which the invention may be practiced. These embodiments are described in sufficient detail to enable those skilled in the art to practice the invention. Other embodiments may also be utilized to practice the invention, and structural, logical, and electrical changes may be made without departing from the scope of the present invention. The following description is, therefore, not to be taken in a limiting sense, and the scope of the present invention is defined by the appended claims.

20 pre

Figure 1 shows a block diagram of a computer system 100 according to the present invention. In this embodiment, processor 102, system controller 112, cache 114, and data-path chip 118 are each coupled to host bus 110. Processor 102 is a

10

15

20

microprocessor such as a 486-type chip, a Pentium®, Pentium II® or other suitable microprocessor. Cache 114 provides high-speed local-memory data (in one embodiment, for example, 512 kB of data) for processor 102, and is controlled by system controller 112, which loads cache 114 with data that is expected to be used soon after the data is placed in cache 112 (i.e., in the near future). Main memory 116 is coupled between system controller 114 and data-path chip 118, and in one embodiment, provides randomaccess memory of between 16 MB and 128 MB of data. In one embodiment, main memory 116 is provided on SIMMs (Single In-line Memory Modules), while in another embodiment, main memory 116 is provided on DIMMs (Dual In-line Memory Modules), each of which plugs into suitable sockets provided on a motherboard holding many of the other components shown in Figure 1. Main memory 116 includes standard DRAM (Dynamic Random-Access Memory), EDO (Extended Data Out) DRAM, SDRAM (Synchronous DRAM), or other suitable memory technology. System controller 112 controls PCI (Peripheral Component Interconnect) bus 120, a local bus for system 100 that provides a high-speed data path between processor 102 and various peripheral devices, such as graphics devices, storage drives, network cabling, etc. Data-path chip 118 is also controlled by system controller 112 to assist in routing data between main memory 116, host bus 110, and PCI bus 120.

In one embodiment, PCI bus 120 provides a 32-bit-wide data path that runs at 33 MHZ. In another embodiment, PCI bus 120 provides a 64-bit-wide data path that runs at 33 MHZ. In yet other embodiments, PCI bus 120 provides 32-bit-wide or 64-bit-wide

10

15

20

data paths that runs at higher speeds. In one embodiment, PCI bus 120 provides connectivity to I/O bridge 122, graphics controller 127, and one or more PCI connectors 121 (i.e., sockets into which a card edge may be inserted), each of which accepts a standard PCI card. In one embodiment, I/O bridge 122 and graphics controller 127 are each integrated on the motherboard along with system controller 112, in order to avoid a board-connector-board signal-crossing interface and thus provide better speed and reliability. In the embodiment shown, graphics controller 127 is coupled to a video memory 128 (that includes memory such as DRAM, EDO DRAM, SDRAM, or VRAM (Video Random-Access Memory)), and drives VGA (Video Graphics Adaptor) port 129. VGA port 129 can connect to industry-standard monitors such as VGA-type, SVGA (Super VGA)-type, XGA-type (eXtended Graphics Adaptor) or SXGA-type (Super XGA) display devices. Other input/output (I/O) cards having a PCI interface can be plugged into PCI connectors 121.

In one embodiment, I/O bridge 122 is a chip that provides connection and control to one or more independent IDE connectors 124-125, to a USB (Universal Serial Bus) port 126, and to ISA (Industry Standard Architecture) bus 130. In this embodiment, IDE connector 124 provides connectivity for up to two standard IDE-type devices such as hard disk drives, CDROM (Compact Disk-Read-Only Memory) drives, DVD (Digital Video Disk) drives, or TBU (Tape-Backup Unit) devices. In one similar embodiment, two IDE connectors 124 are provided, and each provide the EIDE (Enhanced IDE) architecture. In the embodiment shown, SCSI (Small Computer System Interface) connector 125 provides

GW 97-0373 John Dahl (612)349-9581 450.183US1

10

connectivity for up to seven or fifteen SCSI-type devices (depending on the version of SCSI supported by the embodiment). In one embodiment, I/O bridge 122 provides ISA bus 130 having one or more ISA connectors 131 (in one embodiment, three connectors are provided). In one embodiment, ISA bus 130 is coupled to I/O controller 152, which in turn provides connections to two serial ports 154 and 155, parallel port 156, and FDD (Floppy-Disk Drive) connector 157. In one embodiment, ISA bus 130 is connected to buffer 132, which is connected to X bus 140, which provides connections to real-time clock 142, keyboard/mouse controller 144 and keyboard BIOS ROM (Basic Input/Output System Read-Only Memory) 145, and to system BIOS ROM 146.

Figure 1 shows one exemplary embodiment of the present invention, however other bus structures and memory arrangements are specifically contemplated.

A personal computer with multiple audio DACs is shown in Figure 2. Multiple audio sources 201 generate digital audio signals that a controller 203 routes to multiple digital-to-analog converters 204. The audio sources are selected from a group comprising CD players, microphones, DVD audio, computer-generated audio, audio provided through an external user input, or any other device capable of providing a digital audio signal to the controller.

In one embodiment, a user may configure the controller 203 to assign each digital audio signal to a specific digital-to-analog converter 204. Digital audio signals from each source 201 are then routed only to the converter 204 to which the user has assigned the source. The user configures the controller 203 by means of hardware settings such as

20

10

15

20

jumpers or switches, or may configure the controller via software, either by expressly identifying the settings in a table or by use of standard visual programming constructs.

In a further embodiment, a user configures the controller 203 to assign each digital audio signal a priority, so that if multiple digital audio signals assigned to the same converter are available to the controller the controller will route only the signal with the highest assigned priority to the assigned digital-to-analog converter 204. The user alternatively assigns each digital signal a priority but not to a specific DAC 204, so that the controller 203 will route the signal with the highest priority to the first available DAC, and the next highest priority signal to the second available DAC, and so on, until all DACs are in use and no longer available.

In another embodiment, the digital audio signals are conveyed from the digital source 201 to the controller 203 by means of a standard personal computer system bus 202. In a different embodiment, the digital audio signals are conveyed from the digital source 201 to the controller 203 by means of a direct electrical or optical connection between the two.

The personal computer system claimed also includes a routing means or standard multiplexer 205 such that the user configures the controller 203 to route the outputs of each DAC to an assigned output. The outputs include a standard line output 206, and a record output 207. In a further embodiment, the routing means also routes analog signals not provided by the DACs 204, such as from a TV tuner, external analog audio input or another analog audio source.

GW 97-0373 John Dahl (612)349-9581 450.183US1

10

Figure 3 shows an embodiment of the invention where the digital audio sources comprise both standard quality digital audio sources 301 and high quality digital audio sources 302. The standard quality digital audio sources are sources that provide standard quality digital signals such as computer program-generated sounds and system sounds. High quality digital audio sources may include sources of high quality digital signals such as CD players and DVD players. This embodiment also comprises at least one high quality DAC 306 and at least one standard quality DAC 305.

In a preferred embodiment, the standard quality DAC 305 takes the form of a coder-decoder that contains both a 16-bit digital-to-analog converter and a 16-bit analog-to-digital converter, and the high-quality DAC takes the form of a 20-bit DAC.

The user configures the controller 304 to assign each quality of digital signal to a corresponding quality of converter. In such an embodiment, the high quality digital audio signals are assigned to the high-quality DAC 306 and the standard quality signals are assigned to the standard-quality DAC 305. The user may also configure the controller to assign each digital signal source a priority, so that for the above embodiment with both a 16-bit and a 20-bit converter only the digital audio signal with the highest priority for the 20-bit converter is sent to the 20-bit converter, and only the digital audio signal with the highest priority for the standard 16-bit converter is sent to the 16-bit converter.

The above embodiments enable the personal computer to handle multiple DACs simultaneously, and to provide outputs for multiple digital audio sources from a single personal computer. A router 307 may route analog signals produced by the converters

20

10

305 and 306 to outputs such as a line output 308 or a record output 309. The line and record outputs may be provided to the user through back panel output jacks on the computer, or though other means. The router 307 may take the form of a multiplexer that is controlled by the controller 304. The user may configure the controller 304 to route the output from a specific DAC 305 or 306 to a desired output 308 or 309 by means of the router 307. The controller 304 may direct the router 307 by means of hardware settings such as jumpers or switches that form a part of the personal computer, or by means of software that is executed on the personal computer.

It is to be understood that the above description is intended to be illustrative, and not restrictive. Many other embodiments will be apparent to those of skill in the art upon reviewing the above description. The scope of the invention should, therefore, be determined with reference to the appended claims, along with the full scope of equivalents to which such claims are entitled.

What is claimed is:

1. A personal computer system comprising:

a plurality of audio digital-to-analog converters; and a controller configured to receive digital audio signals from multiple sources and route the digital audio signals to a selected digital-to-analog converter based on a desired converter quality.

2. A personal computer system comprising:

one or more standard digital audio sources;
one or more high quality digital audio sources;
means for routing digital audio signals from standard digital audio sources to a
standard quality digital-to-analog converter; and
means for routing digital audio signals from a high-quality digital audio source to
a high quality digital-to-analog converter.

- 3. The personal computer system of claim 2 where any of the high quality or standard quality digital-to-analog converters are coder-decoders (CODECs) that contain both digital-to-analog converters and analog-to-digital converters.
- 4. The personal computer system of claim 1 where a user configures the controller such that the controller assigns a digital-to analog converter and a priority to each of the plurality of audio sources, and the controller routes the digital audio signal with the highest priority for each of the digital-to-analog converters to its assigned digital-to-analog converter.
- 5. The personal computer system of claim 1 where a user configures the controller by hardware or software controls, such that the controller routes a selected analog signal to a selected one of a plurality of analog outputs.

- 6. The personal computer system of claim 5 where the selected analog signal is provided by one of a group consisting of the digital-to-analog converters, Compact Disc players, DVD players, microphones, TV tuners, or analog inputs.
- 7. The personal computer system of claim 1, further comprising a standard personal computer bus for transferring the digital audio signal from the digital audio source to the controller.
- 8. The personal computer system of claim 1 where the digital audio signal is transferred from the digital audio source to the controller by a direct electrical or optical connection between the two.
- 9. A method of routing digital audio to a plurality of digital-to-analog converters in a personal computer comprising the steps of:

receiving digital audio data from one of a plurality of digital audio sources; and routing the digital audio data to one of a plurality of converters based on desired converter quality.

- 10. The method of claim 9 and further comprising the steps of:

 assigning digital audio data from each source a priority;

 assigning digital audio data from each source to one of the plurality of converters;

 determining which digital audio data has the highest priority among all data

 assigned to each converter; and

 converting the digital audio data in each converter with the highest priority to

 analog audio.
- 11. A method of routing digital audio to a plurality of audio digital-to-analog converters in a personal computer comprising the steps of:

receiving digital audio from one of a plurality of digital audio sources; assigning digital audio data from each source a priority; and routing the digital audio data to one of a plurality of converters in an order determined by the assigned data priority.

12. A personal computer system comprising:

memory;

a processor;

a bus;

a plurality of digital audio converters; and

a controller configured to receive digital audio signals from multiple sources and route the digital audio signals to a selected digital-to-analog converter based on desired converter quality.

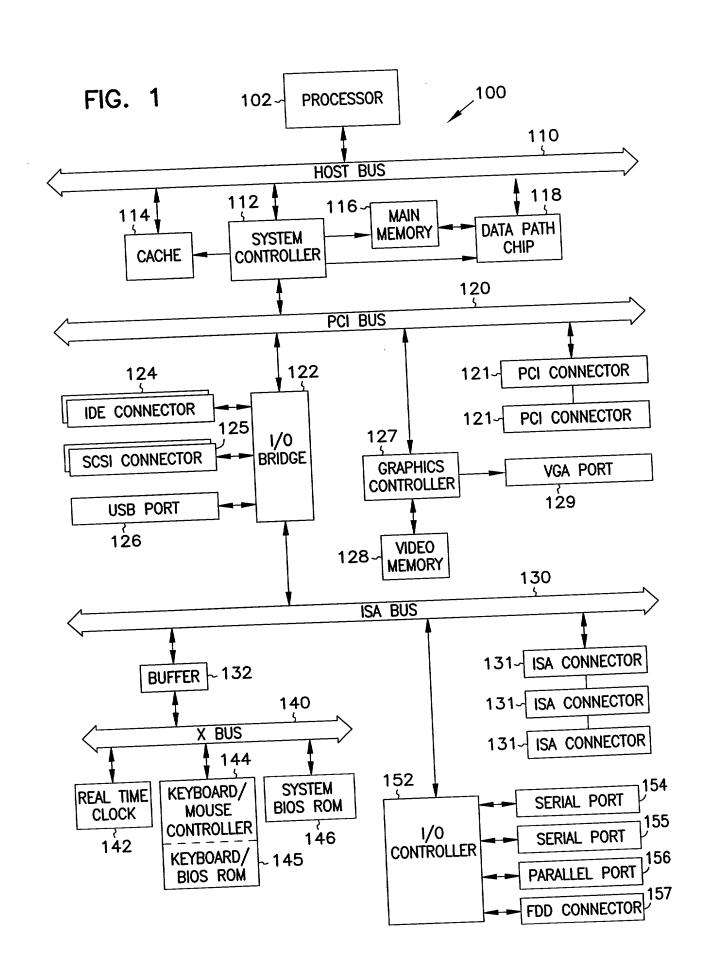
13. A method of routing digital audio signals in a personal computer comprising the steps of:

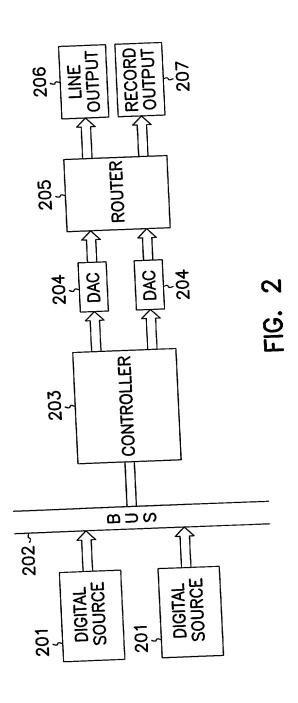
routing digital audio signals from standard digital audio sources to a standard quality digital-to-analog converter; and routing digital audio signals from high-quality audio sources to a high-quality digital-to-analog converter.

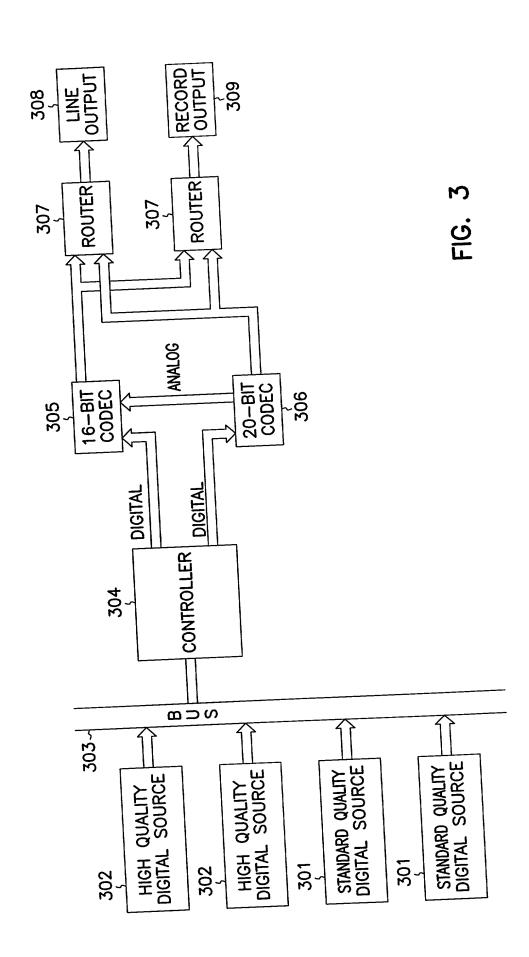
Abstract

Multiple audio digital to analog converters (DACs) are provided to convert multiple digital audio streams to analog audio signals concurrently in a personal computer. Different digital audio streams are routed to each DAC and audio output device depending on priority, desired quality and the source of the audio stream.

			F11068	141761
Express Mail" ma	tiling label	unmpet:	201000	11000
Express Mail" ma	<u>NOJ.</u>	5,199	<u> </u>	
THEN SOLVED TO COLUMN THE COLUMN	ישו וטוסעבע נ	ID VOING UC	NASHION BIRLING	
Inited States Postal St	ervice Expres	s Mail Post	Office to Addre	5500
ervice under 37 CFR				
ddressed to the Assis	4			~- " "
Nashington, D.C. 2023	PAIDIS	· Ilan	anach IC)
Printed Name:	mon	יותוד כ	MON	
Signature:	'hnio	Idan	mond	







SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: MULTIPLE AUDIO DACS WITH PC COMPATIBILITY.

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

 I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

No such applications have been filed.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael Arora, Suneel Bernkopf, Paul A. Bianchi, Timothy E. Billion, Richard E. Black, David W. Brennan, Thomas F. Brooks, Edward J., III Claiborne, Anthony Clark, Barbara J. Clark, George E. Drake, Eduardo E. Dryja, Michael A.	Reg. No. 24,916 Reg. No. 42,267 Reg. No. 41,615 Reg. No. 39,610 Reg. No. 32,836 Reg. No. 42,331 Reg. No. 35,075 Reg. No. 40,925 Reg. No. 39,636 Reg. No. 38,107 Reg. No. 25,133 Reg. No. 40,594 Reg. No. 39,662	Embretson, Janet E. Fogg, David N. Forrest, Bradley A. Hale, Jeffrey D. Harris, Robert J. Holloway, Sheryl S. Huebsch, Joseph C. Kalis, Janal M. Klima-Silberg, Catherine I. Kluth, Daniel J. Lacy, Rodney L. Leffert, Thomas W. Lemaire, Charles A.	Reg. No. 39,665 Reg. No. 35,138 Reg. No. 30,837 Reg. No. 40,012 Reg. No. 37,346 Reg. No. 37,850 Reg. No. 42,673 Reg. No. 37,650 Reg. No. 40,052 Reg. No. 32,146 Reg. No. 41,136 Reg. No. 40,697 Reg. No. 40,697 Reg. No. 36,198	Litman, Mark A. Lundberg, Steven W. Mates, Robert E. McCrackin, Ann M. Padys, Danny J. Polglaze, Daniel J. Schwegman, Micheal L. Sieffert, Kent J. Slifer, Russell D. Terry, Kathleen R. Viksnins, Ann S. Woessner, Warren D.	Reg. No. 26,390 Reg. No. 30,568 Reg. No. 35,271 Reg. No. 42,858 Reg. No. 35,635 Reg. No. 39,801 Reg. No. 25,816 Reg. No. 41,312 Reg. No. 39,838 Reg. No. 31,884 Reg. No. 37,748 Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402 Telephone No. (612)373-6900 Our Ref. 450.183US1 Serial No. not assigned Filing Date: not assigned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole inventor Citizenship: Post Office Address: Signature:	Mark Rapaich United States of America 23176 Concord Avenue Westfield, IA 51062	Residence: Westfield, IA Date:	
organitare.	Mark Rapaich		
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
Signature:		Date:	
Full Name of inventor: Citizenship:		Residence:	
Signature:		Date:	
Full Name of inventor: Citizenship: Post Office Address:		Residence:	
Signature:		Date:	

Our Ref. 450.183US1 Serial No. not assigned Filing Date: not assigned

ù

D

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

Eprima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.